

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 61 OF 2024

BETWEEN:

1. SRI RAMESH PATIL
S/O LATE PUTTARAMEGOWDA PATIL,
AGED ABOUT 61 YEARS,
2. SRI PUNEETH PATIL
S/O RAMESH PATIL
AGED ABOUT 30 YEARS,

PETITIONERS NO.1 AND 2 ARE
RESIDING AT BEHIND K.V BUILDING,
NEAR GANAPATHI TEMPLE,
LAXMIPURA, ARSIKERE TOWN,
HASSAN-573 103

...PETITIONERS

(BY SRI. G.S VENKAT SUBBA RAO, ADVOCATE)

AND:

1. STATE OF KARNATAKA
ARSIKERE TOWN POLICE,
REP. BY STATE PUBLIC PROSECUTOR,
BENGALURU-560001.
2. SRI. VICTOR
S/O LATE IRUDHAYARAJ,
AGED ABOUT 50 YEARS,
RESIDENT OF 2ND CROSS,
RIGHT SIDE HASSAN ROAD,
ARSIKERE-573 103.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K.R. LINGARAJU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE CHARGE SHEET SUBMITTED AGAINST THE PETITIONERS IN C.C.NO.408/2023, ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, ARSIKERE FOR THE OFFENCE P/U/S 323, 324, 504, 506 R/W SEC. 34 OF IPC VIDE ANNEXURE-A.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 29.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of the Cr.P.C. seeking to quash the charge-sheet filed against the petitioners/accused Nos.1 and 2 in C.C. No.408/2023, arising out of Crime No.84/2023 registered by Arsikere Town Police Station for the offences punishable under Sections 323, 324, 504 and 506 read with Section 34 of the IPC, pending on the file of the Senior Civil Judge and JMFC, Arsikere (for short, 'the learned Magistrate'), and consequently, to set aside the order dated 15.07.2023 passed by the learned Magistrate taking cognizance of the aforesaid offences against the petitioners.

2. The abridged facts of the case are that, on 15.04.2023, respondent No.2 filed a private complaint before the learned Magistrate alleging that, on 16.07.2022 at about 7.35 p.m., accused No.1-Ramesh Patil, who was running an

electric shop in front of Dhanwanthari Medical Shop, came near the lane adjacent to the shop of respondent No.2 to urinate. When respondent No.2 objected to the same and requested him not to urinate there, accused No.1 allegedly abused him in filthy language and stated that he would urinate there itself. At that time, accused No.2-Puneeth Patil allegedly came there and held the hands of respondent No.2, while accused No.1 assaulted him on the left side of his chest and stomach and pushed him to the ground. On hearing the scuffle, Arun s/o Suresh, who was running a shop opposite to that of respondent No.2, and another Arun s/o Hattrick, who was accompanying respondent No.2, intervened and pacified the quarrel. It is further alleged that the accused threatened respondent No.2 with dire consequences. During the incident, respondent No.2 allegedly lost cash of Rs.1,00,000/-.

3. Thereafter, respondent No.2 lodged a complaint before respondent No.1-Police on 17.07.2022. The police conducted an enquiry and recorded the statement of the petitioners to the effect that they would not indulge in such acts and, accordingly, issued an endorsement. It is further alleged that, on the complaint lodged by one Vivek Patil, the relative of the accused against respondent No.2, the police

registered a case and submitted a charge sheet before the jurisdictional Court. Thereafter, respondent No.2 submitted a complaint to the District Police Office by registered post; however, no action was taken. Hence, respondent No.2 was constrained to file a private complaint before the learned Magistrate.

4. The learned Magistrate referred the complaint to respondent No.1-Police for investigation. Pursuant thereto, respondent No.1-Police registered FIR in Crime No.84/2023 against the petitioners for the offences punishable under Sections 323, 324, 504, 506 and 379 read with Section 34 of IPC. Upon completion of investigation, the charge-sheet came to be filed for the offences punishable under Sections 323, 324, 504 and 506 read with Section 34 of IPC, arraying the petitioners as accused Nos.1 and 2. The learned Magistrate thereafter took cognizance of the aforesaid offences against the petitioners. Aggrieved by the same, the petitioners have preferred this petition.

5. Heard the learned counsel for the petitioner, the learned High Court Government Pleader for respondent No.1 -

State and the learned counsel for respondent No.2 - complainant.

6. Apart from urging several other contentions, learned counsel for the petitioners contended that the complaint lodged by respondent No.2 is false and has been filed as a counterblast to the complaint lodged by one Vivek Patil, a relative of the petitioners, against respondent No.2, in respect of the incident dated 16.07.2022. He further contended that the allegations in the complaint and the charge-sheet are vague and omnibus in nature.

7. Learned counsel further submitted that, while the complaint against respondent No.2 and others in Crime No.113/2022 was lodged in the year 2022 in respect of the very same incident, respondent No.2 filed the present private complaint only in the year 2023. It was further contended that, while referring the matter to the jurisdictional police under Section 156(3) of the Cr.P.C, the learned Magistrate has not recorded any satisfaction with regard to the averments made in the complaint or the documents produced therewith. Therefore, the learned Magistrate has failed to apply his mind before passing the reference order, rendering the said order

unsustainable in law. Consequently, the subsequent proceedings are also liable to be quashed. Accordingly, he prays to allow the petition. To buttress his argument he relied on the following judgments:

*i. **Om Prakash Ambadkar vs. State of Maharashtra and others - (2026) 2 SCC 622.***

*ii. **Altico Capital India Limited and others vs. State of Karnataka and another in Crl.Pet.No.4211/2020 dated 19.01.2021.***

8. *Per contra*, learned counsel for respondent No.2 contended that, in connection with the incident dated 16.07.2022, the petitioners assaulted respondent No.2, resulting in injuries, for which he was admitted to the hospital, the wound certificate substantiates the injuries sustained by respondent No.2. Further, there are eyewitnesses to the incident. In such circumstances, the proceedings cannot be quashed against the petitioners at this stage.

9. Learned counsel further contended that the learned Magistrate referred the matter to the police on 15.04.2023, pursuant to which respondent No.1-Police conducted investigation and, upon its completion, filed the charge-sheet

against the petitioners. Thereafter, the learned Magistrate took cognizance of the offences. It was submitted that, since the petitioners have challenged the cognizance order in the present petition, they cannot now contend that the reference order is bad in law, particularly when substantial proceedings have taken place subsequent to the order of reference and registration of the FIR. Accordingly, he prayed for dismissal of the petition. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court in the case of **Anurag Bhatnagar Vs. State (NCT of Delhi) - AIR 2025 Supreme Court 3427**.

10. Learned High Court Government Pleader appearing for respondent No.1-State opposed the prayer in the petition and prays to dismiss the petition.

11. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties so also perused the entire charge sheet materials.

12. As could be gathered from records, in connection with the incident dated 16.07.2022, one Vivek Patil, a relative of the petitioners, lodged a complaint against respondent No.2, which came to be registered in Crime No.113/2022 and

culminated in filing of a charge-sheet against respondent No.2. Subsequently, respondent No.2 filed the private complaint against the petitioners alleging that the police had failed to receive his complaint. Accordingly, the learned Magistrate referred the complaint to respondent No.1-Police for investigation, which also culminated in filing of a charge-sheet against the petitioners. The said proceedings is under challenge in the present petition.

13. The records further disclose that respondent No.2 sustained injuries in the said incident and was treated at Jayachamarajendra General Hospital, Hassan. The statements of the eyewitnesses also *prima facie* disclose the involvement of the petitioners in the alleged incident. Thus, when the occurrence of the incident is not in dispute and the same is supported by the statements of eyewitnesses and medical records, the proceedings cannot be quashed at this stage.

14. As regards the contention of learned counsel for the petitioners that the learned Magistrate failed to apply his mind while referring the complaint to respondent No.1-Police for investigation, it is not in dispute that the petitioners have not challenged the said reference order. Pursuant to the said order,

respondent No.1-Police registered the FIR, conducted the investigation and filed the charge-sheet against the petitioners, and the learned Magistrate has thereafter taken cognizance of the offences. In these circumstances, the contention regarding the validity of the reference order cannot be accepted at this stage.

15. The Hon'ble Apex Court in the case of **ANURAG BHATNAGAR** supra, held in paragraph Nos. 43 and 44 as under:

"43. In the present case with which we are dealing, we have already opined earlier that there is no legal flaw in the order passed by the Magistrate dated 01.07.2005 directing for the registration of the FIR. The order clearly states that the Magistrate is satisfied that the allegations indeed make out a cognizable offence for the purposes of investigation. The said satisfaction recorded by the Magistrate cannot be disturbed in exercise of inherent powers. Therefore, if in pursuance of the said order, the FIR has been registered which discloses a cognizable offence, the same cannot be struck down at this stage. The powers conferred upon the court under Section 482 CrPC or Article 226/227 of the Constitution of India are discretionary in nature and it is not obligatory upon the court to exercise the said

inherent power in each and every case, even if the order impugned suffers from minor procedural irregularity, provided there is no miscarriage of justice. Thus, in a case where pursuant to the order of the Magistrate, which is not illegal or without jurisdiction, an FIR has been registered which discloses a cognizable offence and, thereafter, upon investigation, chargesheets have been submitted, there is apparently no justification for the court to exercise discretionary jurisdiction so as to quash the FIR or the order of the Magistrate.

44. Once much water has flown down the bridge subsequent to the order of the registration of FIR and the registration of FIR, giving rise to a fresh cause of action to challenge the chargesheets, we are of the opinion that the High Court has rightly refused to exercise its discretionary jurisdiction so as to interfere with the FIR as the investigations have been completed and the chargesheets have been filed."

16. Applying the aforesaid principles laid down by the Hon'ble Apex Court to the facts and circumstances of the present case, the contention regarding non-application of mind by the learned Magistrate cannot be accepted at this stage, particularly when the petitioners have not challenged the

reference order, pursuant to which the FIR was registered, investigation was conducted and charge-sheet was filed. Thereafter, the learned Magistrate has taken cognizance of the offences. In such circumstances, no ground is made out for exercising the inherent jurisdiction under Section 482 of Cr.P.C. Accordingly, the petition, being devoid of merit, is ***dismissed.***

17. It is made clear that the observations made in this petition shall not come in the way while disposing the case before the Trial Court.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/K